

Sumter City-County Board of Appeals

August 11, 2010

BOA-10-17, 1840 Polaris Dr (City)

I. THE REQUEST

Applicants: Ned Purcell, Great Southern Homes, LLC

Status of the Applicant: Property Owner

Request: A variance from Article 4.g.2.b.4 Location Requirements for Accessory Buildings in order to place a detached garage in the front yard.

Location: 1840 Polaris Drive (Hunters Crossing Subdivision)

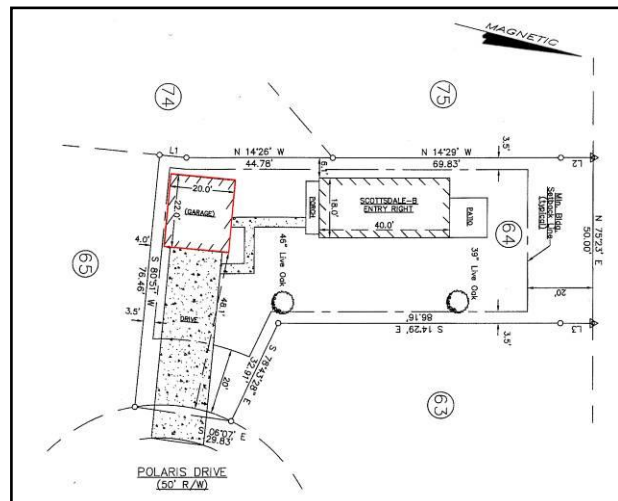
Present Use/Zoning: Residence

Tax Map Reference: 187-12-04-026

II. BACKGROUND

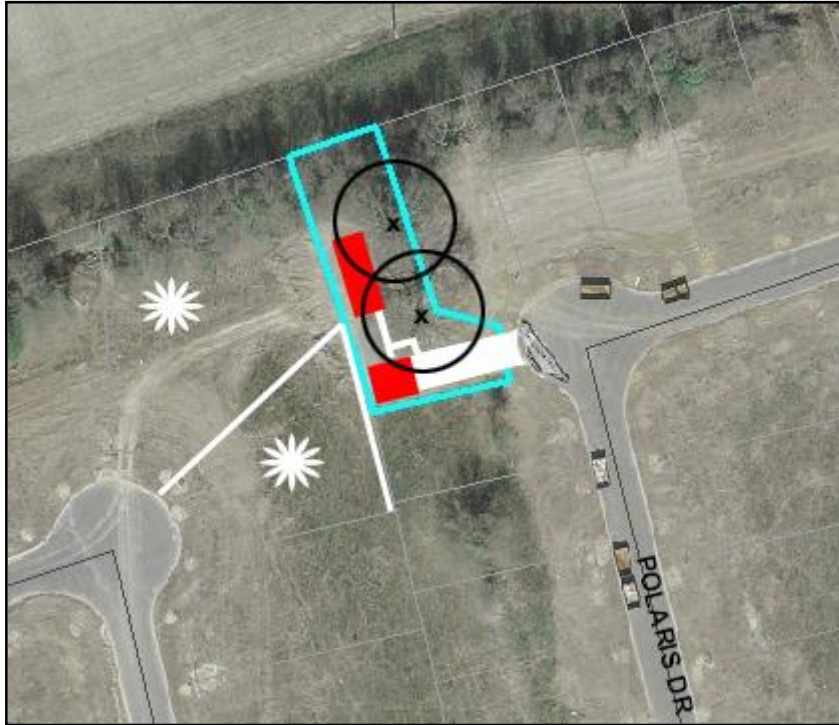
The applicant is constructing a new home at 1840 Polaris Drive located in the Hunters Crossing Subdivision off of Mason Road. This is a non-standard lot approved as part of a Planned Development with two very large existing oak trees. Because of the shape, layout of the parcel and the location of the trees, there is only one location within the approved buildable area in which a home can be constructed on this parcel. The property owners would like to locate a free-standing garage in front of the proposed home, and the only logical place for the garage is in the location shown below. Attaching the garage to the home will damage the roots of one of the oak trees. Locating the garage on the other side of the proposed home is not possible because driveway access is not available to the rear or north side of the house.

The Sumter County Zoning Ordinance, Article 4.g.2.b.4 Location Requirements states that accessory buildings such as detached garages shall only be located in the side or rear yard of a parcel and shall be located no further forward on the lot than the principal structure; storage shall be located in the rear yard only. The applicant seeks a variance to this section due to the circumstances as shown.



Right, the layout of the parcel showing the

location of the proposed home and garage, shown in red.



Left: Aerial view of parcel showing layout of proposed home. The stars designate adjacent parcels that have homes built on them at this time. The white line represents a fence that has been constructed between one of the neighbor's lots and this parcel.

Below: A photo of the site, showing the two trees and the fence on the adjacent property line.





Above: Photo of the parcel showing the location of the garage (corners outlined in red) and the house (in the background, blue). Because of the location of the oak trees and the narrowness and angle of this parcel, there is no other way to arrange the structures than to separate the house and garage, and to locate them as shown. The garage requires access to Polaris Drive, shown on the right in the photo. The fence on the left separates the parcel from one of the adjacent lots and will provide some privacy for both.

The house will be located as shown below:



III. FOUR-PART TEST

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

There are extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is awkwardly shaped and there is no other logical way to locate the house and garage than as proposed. Therefore, it is necessary for the garage to be located as shown, due to the shape of the parcel and the need to preserve the existing trees.

- 2. *These conditions do not generally apply to other property in the vicinity.***

The parcel in question is awkward in shape and has two large existing trees. None of the adjacent lots appear to have this type of constraint in terms of either shape or the presence of large trees.

- 3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Application of the ordinance does limit the utilization of this property. Without this variance, the property owners will not be able to construct a garage for their home.

- 4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. The location of the garage as proposed does not appear to impact the neighbors or the district in any negative way.

IV. STAFF RECOMMENDATION

Staff recommends approval of BOA-10-17. The applicant has no alternative for building a garage, other than to locate it as shown on the proposed site plan.

V. DRAFT MOTIONS for BOA-10-17

- A.** I move that the Zoning Board of Appeals approve BOA-10-17, subject to the findings of fact and conclusions attached as Exhibit I.
- B.** I move that the Zoning Board of Appeals deny BOA-10-17 subject to the following findings of fact and conclusions.
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-17.

VI. ZONING BOARD OF APPEALS – August 11, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 11, 2010, voted to approve this request subject to the findings of fact and conclusions on exhibit 1.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-10-17, Ned Purcell
1840 Polaris Dr.
August 11, 2010

Date Filed: August 11, 2010

Permit Case No. BOA-10-17

The Sumter Board of Appeals held a public hearing on Wednesday, August 11, 2010 to consider the appeal of Ned Purcell, 1840 Polaris Dr., Sumter, SC for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is awkwardly shaped and contains two large existing oak trees to be protected.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

The adjacent residential parcels are of more conventional shapes for development and do not appear to contain large existing trees that further restrict site layout.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance does limit the utilization of this property. The property owner cannot construct a garage on the property without a variance as to its location.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance allow the property to be developed in the best method available for providing privacy and access for both the applicant and the neighboring parcels.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**,
subject to the following conditions:

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.